

CHARTER OF

**Section 5 of the
Village of Chevy Chase**

MONTGOMERY COUNTY, MARYLAND

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CHEVY CHASE, SECTION 5

ARTICLE I

Adoption of Charter and General Corporate Powers

Section 101.

The residents of Section 5 of the Village of Chevy Chase, Montgomery County, Maryland, hereby legally established, adopt this Charter for the purpose of establishing a municipal corporation by the name of Section 5 of the Village of Chevy Chase with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court or [of] law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II

Corporate Boundaries

Section 201.

The corporate limits of Section 5 of the Village of Chevy Chase shall be the subdivision in Montgomery County, Maryland, made by the Chevy Chase Land Company of Montgomery County, and known as Section 5, as per plat recorded among the land records of said Montgomery County. Section 5 is within the Metropolitan District of the Maryland National Capital Park and Planning Commission.

ARTICLE III

Definitions

The following terms wherever they appear in this Charter shall have the meanings stipulated in this Title:

“Council” shall mean the Village Council of Section 5 of the Village of Chevy Chase, the governing body hereinafter created.

“County Council” shall mean the County Council of Montgomery County, Maryland, or any succeeding governing body of Montgomery County.

“County” shall mean Montgomery County, Maryland.

“Qualified Voter” shall mean any person who is registered to vote in Montgomery County and who appears on the registration lists as a resident of Section 5.

“Section 5 of the Village of Chevy Chase” or “Section 5” shall mean the corporate body herein created.

“Written Notice” shall be deemed to include notice by means of a newsletter or other written material circulated to all residences located within Section 5 whether addressed by specific name or to the location of each such residence.

ARTICLE IV The Village Council

Section 401. Number, Selection, Term.

There is hereby established a Village Council of five members to administer the affairs, fulfill the obligations and carry out the responsibilities of Section 5 as herein provided. Council members shall be elected as hereinafter provided to terms of two years, which shall expire on the first Tuesday in April or upon the election and qualification of their successors whichever is later.

Section 402. Qualifications of Council Members.

Council members shall be qualified voters and shall maintain a permanent residence in Section 5 during their term of office.

Section 403. Officers.

The Council shall elect from among its members a Chairman, Vice–Chairman, Treasurer, Secretary and Building Inspector.

(a) The Chairman shall preside at meetings of the Council, countersign checks properly issued by the Treasurer and perform such other duties as designated by the Council.

(b) The Vice–Chairman shall preside at meetings in the Chairman’s absence and perform such other duties as designated by the Council.

(c) The Treasurer shall be the custodian of all funds which are received to the credit of Section 5 and shall deposit or invest all such funds in federally or Maryland State insured banks, savings and loan associations, obligations of the United States, obligations guaranteed or insured by the United States, or in such other investments as may be permitted by the laws of the State of Maryland. All deposits and investments shall be approved by the Council. The Treasurer shall disburse funds of Section 5 as instructed by the Council by check duly signed by the Treasurer and countersigned by the Chairman. In the absence or unavailability of the Treasurer or Chairman, the Council may authorize other Council members to sign and countersign checks.

(d) The Secretary shall be the custodian of all records, correspondence and other documents and property of Section 5 and shall keep accurate minutes of all meetings and perform such other duties as designated by the Council.

(e) The Building Inspector shall be responsible for enforcement of the building and sanitary regulations enacted by the Council and for such other duties as designated by the Council.

(f) The Council may assign the duties of the Secretary, Treasurer and the Building Inspector to an employee of the Village.

Section 404. Quorum.

Three members of the Council shall constitute a quorum for the transaction of business; provided, however, that all actions involving passage of regulations under Section 501, the election of officers, the certifying of tax rates, and the authorization of expenditures of funds in excess of \$500, except for the payment of current bills, shall require the affirmative vote of at least three members of the Council.

Section 405. Meetings.

The Council shall meet regularly on the second Tuesday of each month and at such other times as it may determine necessary. Regular meetings of the Council shall be open to the public and the rules of the Council shall provide that residents of Section 5 shall have a reasonable opportunity to be heard at any regular meeting. The Council may cancel or reschedule a regular meeting. Nothing contained herein shall be construed to prevent the Council from holding executive sessions as provided for in Article 76A of the Annotated Code of Maryland, but no ordinance, rule or regulation shall be finally adopted at any such executive session.

Section 406. Procedures of the Council.

The Council shall follow Robert's Rules of Order as modified by its own rules and order of business. It shall keep minutes of its proceedings and enter therein the yeas and nays and abstentions for final action on any question, resolution or regulation or at any other time if requested by any one member. The minutes shall be open to the public for inspection.

Section 407. Vacancies on the Council.

In the event of a vacancy on the Council for any reason, the Council, by majority vote of the remaining members, shall elect a person qualified under Section 402 to fill such vacancy until the next regular election.

Section 408. Transition.

(a) The five members of the Citizens Committee of Section 5 of the Village of Chevy Chase holding office under the provisions of Section 5, Chapter 434 of the Acts of the General

Assembly of Maryland, 1922, at the time this Charter becomes effective shall constitute the initial membership of the Council established herein and shall continue to hold office for the term for which they were elected to said Citizens Committee and until their successors are elected under the provisions of this Charter.

(b) All funds, records, correspondence, documents and property of said Citizens Committee are hereby transferred to the Council.

(c) All valid actions of said Citizens Committee performed under the provisions of Section 5, Chapter 434 of the Acts of the General Assembly of Maryland, 1922 and not inconsistent with the provisions of the Charter, shall be and are hereby declared to remain in full force and effect unless and until properly modified or rescinded in accordance with the provisions of this Charter.

(d) All arrangements for services provided by Montgomery County, Maryland and the State of Maryland to Section 5 and the residents thereof are hereby ratified, adopted and shall remain in full force and effect unless and until properly modified or rescinded in accordance with the provisions of this Charter.

(e) This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty existing at the time this Charter becomes effective.

ARTICLE V

General Powers

Section 501. General Powers.

(a) The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the preservation of the Village property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the Village.

(b) *Express Powers.* In addition to, but not in substitution of, the powers which have been, or may hereafter be, granted to it, the Council shall have the express powers set forth in Article 23A, Section 2 of the Maryland Code.

(c) Until such time as State law provides otherwise, the Council shall not be empowered to pass or adopt any zoning or land use ordinances or regulations.

(d) In the absence of specific ordinances or regulations to the contrary, the ordinances and regulations of Montgomery County, Maryland shall be and become the ordinances and regulations of Section 5; provided, however, that the foregoing shall not restrict the authority of

the Council to adopt such ordinances and regulations in the manner, and to the extent, set forth herein.

Section 502. Procedures for Enacting Ordinances.

(a) No ordinance shall be passed until the eighth day following the day of the meeting at which it is introduced unless it is deemed to be required for an emergency, in which case it may be passed at the meeting at which it is introduced by a unanimous vote of those members of Council present and voting; provided, however, that any such emergency resolution shall expire at the end of 60 days.

(b) Before final consideration of any proposed new ordinance, the Council shall make reasonable efforts to provide written notice of the proposed ordinance and to hear the views of the residents at a Council meeting scheduled for that purpose.

(c) All ordinances and regulations, except emergency ordinances and regulations which shall become effective immediately upon adoption or as otherwise provided by their terms, shall become effective 20 days following passage by the Council.

(d) The Council shall provide written notice of all new ordinances upon adoption, but failure to receive such copy by any person shall not invalidate the ordinance nor shall such failure be valid as a defense in any action involving violations of that ordinance.

(e) All ordinances shall be permanently filed by the Secretary and shall be kept available for public inspection and copies shall promptly be furnished to the County Executive and the County Council.

ARTICLE VI
Annual Meeting and Elections

Section 601. Annual Meeting.

There shall be an Annual Meeting of the residents of Section 5 held on the first Tuesday of April each year. The meeting shall be scheduled to follow the balloting for Council elections. At least two weeks written notice of the time and place of such meetings shall be given. Such notice shall include (i) a list of candidates for election to the Council as required by Section 602(c); (ii) a proposed budget for the following fiscal year, including estimated expenditures and estimated receipts; and (iii) notice of any proposed change in the tax rate levied by Section 5 upon the owners of real property located within Section 5. The tax rate shall be voted on by voters attending the Annual Meeting. Notwithstanding the above, the Council may, at its discretion, postpone the Annual Meeting for not more than 31 days after the election required by Section 602.

Section 602. Elections.

Elections of Council members shall be by secret ballot and shall be held on the first Tuesday of April each year. Two Council members shall be elected in odd-numbered years and three Council members in even-numbered years. Elections shall be governed by the following procedures:

(a) Written notice requesting nominations to the Council shall be circulated not less than 45 days prior to the election. Any individual who qualifies under Section 402 may declare his or her own candidacy or be nominated by any other qualified voter. Nominations must be received in writing not less than 30 days prior to the election.

(b) In the event that there are nominated fewer candidates than the number of positions to be filled, the Council shall make such additional nominations as are necessary.

(c) The Council shall give written notice of the nominees together with brief resumes of the candidates at least two weeks prior to the election.

(d) Each qualified voter may cast a ballot on the day of the election during the time designated by the Council for voting. Qualified voters unable to vote in person for any reason may vote by absentee ballot. The Council shall determine rules for absentee voting.

(e) In the event two or more candidates receive the same number of votes, there shall be a run-off election by ballot of qualified voters present at the Annual Meeting. The voting shall continue until a tie breaking vote is attained.

(f) Those persons elected to the Council shall take office at the conclusion of the Annual Meeting.

(g) The Council is authorized to pass such other regulations governing elections as it deems necessary provided they are not inconsistent with this Section.

ARTICLE VII

Finances

Section 701. Contractual Authority.

The Council shall not contract for material or work in a sum exceeding 5 Thousand Dollars (\$5,000) without having first invited bids for the same, after which the Council may purchase such material or contract for such work or have such work done by employed labor or otherwise as it deems best. No Council member shall sell supplies of any kind in Section 5 or contract in any manner with the Council.

Section 702. Borrowing Authority.

(a) The Council is authorized and empowered to borrow money on the credit of Section 5 in the manner prescribed in Section 31 to 37 inclusive of Article 23A of the Annotated Code of Maryland (1957 edition, as amended), title “Municipal Corporations,” subtitle “Creation of Municipal Public Debt,” in amounts not exceeding in total at any time ten percent of the assessed valuation of real property within Section 5.

(b) To effect such borrowing, the Council is authorized and empowered to issue bonds, notes or other certificates of indebtedness in a form designated by the Council. Such bonds, notes or other certificates of indebtedness shall be signed by the Chairman and Treasurer and to the extent permitted by law, shall be free from all state, county and local taxation.

(c) Before the Council shall borrow any money or issue any bonds, notes or certificates of indebtedness, the Council shall give written notice of its proposed action and call a meeting of the qualified voters to consider and ratify the borrowing. The Council shall provide written notice at least 15 days in advance of such a meeting. All qualified voters of Section 5 shall be eligible to vote at such a meeting and those qualified voters of Section 5 unable to attend the meeting for any reason shall be permitted to vote by absentee ballot. The Council shall determine the rules of absentee voting. If the majority voting cast votes in favor of the proposed borrowing or any amendment thereof, then the Council may proceed in accordance with such authorization.

Section 703. Audit.

The financial books and accounts of the Village shall be audited annually in a manner determined by the Council but not contrary to applicable State law.

ARTICLE VIII
Administration

Section 801. Village Manager.

A Village Manager may be appointed by the Council whose duties and responsibilities shall be decided by the Council.

Section 802. Authority to Employ Personnel.

The Council shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Village government.

Section 803. Prohibition.

No employee in the service of the Village shall continue in such position after election to any public office in the Village.

ARTICLE IX

General Provisions

Section 901. Oath of Office.

Before entering upon the duties of their offices, the members of the Council shall take and subscribe to the oath prescribed by Article 1 [I] Section 6 of the Constitution of the State of Maryland.

Section 902. Surety Bonds.

The Chairman, Treasurer and such other officers or employees of Section 5 as the Council may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Council.

Section 903. Separability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of a section so held invalid shall appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Section 904. Amendment.

This Charter may be amended from time to time by the majority vote of the qualified voters pursuant to the provisions of Article 23A of the Annotated Code of the State of Maryland. An amendment to the Charter may be proposed by the Council or by a petition properly signed and submitted to the Council by at least [least] 50 qualified voters. The Council shall provide written notice at least 60 days prior to the vote on a proposed amendment to the Charter. Qualified voters unable to vote in person for any reason may vote by absentee ballot. The Council shall determine rules for absentee voting.

Section 905. Supremacy.

No ordinance or regulation of Section 5 shall conflict with the laws of the State of Maryland or Montgomery County.